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December 9, 2020

By ECF

Hon. Steven M. Gold
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Scott et al. v. Quay et al., 19-cv-01075-MKB-SMG

Dear Judge Gold:

Together with the Benjamin N. Cardozo School of Law Civil Rights Clinic and Alexander A. Reinert, we represent the Plaintiffs in this putative class action. We write to request that the Court order Defendants to provide the address information of 78 putative class members who were in BOP custody as of March 16, 2020 but have since been released (the "Address Information").

As described in the parties' joint letter submitted on December 7, 2020, **Dkt. 102**, Defendants do not object to our request that the Court issue an order authorizing them to provide the Address Information. *See* **Dkt. 83**. Plaintiffs respectfully request that the Court issue the enclosed proposed order authorizing production of the address information by December 18, 2020 subject to the terms of the October 2, 2020 protective order.

The Court's attention to this matter is appreciated.

Sincerely,

/s/

Scout Katovich
Katherine Rosenfeld
O. Andrew F. Wilson

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DAVID SCOTT, et al.,

Plaintiffs

v.

FORMER WARDEN HERMAN QUAY, et al.,

Defendants

Civil Action No. 19 Civ. 1075

(Brodie, J.)

(Gold, M.J.)

**ORDER FOR THE PRODUCTION OF INFORMATION CONCERNING INDIVIDUALS
NO LONGER IN THE CUSTODY OF THE FEDERAL BUREAU OF PRISONS**

WHEREAS, Plaintiffs' counsel have sought to have the Federal Bureau of Prisons ("BOP") provide them with a list containing the names and self-reported addresses in BOP's records of individuals who were housed in the West Building of the Metropolitan Detention Center in Brooklyn, New York ("MDC") on all or some date(s) between January 27, 2019 and February 3, 2019, who were in the custody of the BOP as of March 16, 2020 and have since been released (the "Additional Address Information"); and

WHEREAS, Defendants object to the production of the Additional Address Information on the grounds that it is protected from disclosure by federal and state privacy laws and regulations, including but not limited to, the Privacy Act of 1974, 5 U.S.C. § 552a ("Privacy Act") and 28 C.F.R. § 513.34; and

WHEREAS, on September 22, 2020, the Court overruled Defendants' objections and ordered Defendants to produce the names and self-reported addresses of individuals who were housed at the MDC on all or some date(s) between January 27, 2019 and February 3, 2019, who were no longer in the custody of the BOP as of March 16, 2020; and

WHEREAS, on October 2, 2020, the Court entered a Stipulation and Order for the Protection of Materials and Information Concerning Individuals Who Are No Longer in the Custody of the Federal Bureau of Prisons (“Protective Order”), *see* ECF No. 83; and

WHEREAS, Defendants do not object to a Court Order authorizing the release of the Additional Address Information subject to the terms of the Protective Order.

IT IS HEREBY ORDERED that the BOP and its employees are authorized pursuant to **5 U.S.C. § 552a(b)(11)** to produce to Plaintiffs’ counsel, pursuant to the terms of the Protective Order, the Additional Address Information, information that would otherwise be protected from disclosure by the Privacy Act.

IT IS FURTHER ORDERED that Defendants must produce the Additional Address Information to Plaintiffs by December 18, 2020.

SO ORDERED:

Steven M. Gold USMJ 12-09-2020

HONORABLE STEVEN M. GOLD
UNITED STATES MAGISTRATE JUDGE